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(4) The *atalyk* is a form of adoption once spread among all mountain tribes of North Caucasus,[92] the Ossetes,[93] the Tartars, e. g., the Kumyks.[94] We still find it today among the Kabardians, but the practice has become rare.[95] Soon after birth,[96] or, as some authors claimed, at the age of seven or twelve, the prince or princess is received into a noble family to be brought up by foster-parents. The prince is taught to ride, to be brave, eloquent and polite, and to steal. When he is old enough to carry arms, he returns to his father.[97] Princesses are usually poorly nourished, for slenderness may not be divorced from the dignity of a princess. She is taught by her foster-mother how to embroider, weave, make straw mats and baskets.[98] She may not be seen by her parents until her marriage, and it is the right of the foster-father to select a mate for her.[99] The *atalyk* is usually restricted to the upper classes,[100] the foster-parents being chosen from the next (lower) class.[101] The relation between the foster-child and the educator is as intimate and as sacred as actual blood-relationship, if indeed not more so. Sometimes a foster-child will take revenge on his own father to repair an injury done to his adopted family.[102] Marriage between the foster-child and a member of the educator's family are, of course, prohibited. We are unable to say to what degree: on the one hand, the older explorers failed to inquire into *adats* regarding this prohibition; while, on the other hand, the institution has practically disappeared, so that now it is impossible to ascertain the degree through new enquiries.[103] The *atalyk* is perhaps a pre-Islamic institution borrowed from the Turco-Mongols.

(5) We find several other forms of adoption in the Caucasus. Islamic law does not recognize any impediment arising from adoption, except, of course,

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[92] Ladyženskij, FT, p. 200.
M. Kovalevskij, *Coutume contemp.*, p. 191.

[93] Leontovič, II, pp. 252 f, §§ 152—160.

[94] M. Kovalevskij, *l. c.*

[95] Ladyženskij, *l. c.*

[96] P. S. Pallas, *Bemerkungen auf einer Reise in die südlichen Statthalterschaften des russischen Reichs 1793—1794*, I, p. 388;
J. Mourier, *Guide au Caucase*, Part I, p. 137;
J. Klaproth, "Voyage au Caucase," *Nouvelle Bibliotheque*, Tome XI, p. 170;
Ladyženskij, *l. c.*

[97] Ellis, *Memoir of a Map etc.*, pp. 22 f; Pallas, *l. c.*

[98] Pallas, *op. cit.*, I, p. 389.

[99] Pallas, *op. cit.*, I, p. 388 f.

[100] Ladyženskij, *l. c.* Digorian *farsagleg* class (*infra*, pp. 63 f) has the custom too; cf. Kovalevskij, *Coutume contemp.*, pp. 212 f.

[101] Leontovič, II, pp. 252 f., §§ 152—160.

[102] Ladyženskij, *l. c.*

[103] The *atalyk* was a means of reconciliation after a murder had been committed. The murderer would kidnap a child of the victim and become its foster-father, thus making revenge impossible. (Baddeley, *op. cit.*, I, p. 262; Ladyženskij, *l. c.*; Leontovič, I, p. 140; Dirr, AGKB, p. 43.) Reineggs however gives an example of such an adopted son who was constantly waiting for an opportunity to carry out his sacred obligation of vengeance, regardless of fosterage (*Allgemeine historisch-topographische Beschreibung des Kaukasus*, I, pp. 221 f.). For more about the *atalyk* see the authors cited and N. Danilewski, *Der Kaukasus*, pp. 120—125.

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Chapter IV

Freedom of Choice

000 After we have shown which individuals are regarded as possible mates, we arrive at the second fundamental question: Who has the decisive word in selecting a definite mate from among the many possible ones? We shall have to answer such questions as: "Has the couple the decisive word?" "Has the young man more to say about his partner than the girl about hers?"

§ 1. THE RIGHT TO CHOOSE A MATE IN THEORY AND PRACTICE

584 The NORTHWEST CAUCASIANS, the Abkhaz and the Cherkess, regard [581] marriage as a family affair. It is not a contract between two *individuals* but between two *families*, joint-families or sibs. The male head of the household has the right to marry off his child to whomsoever he wishes.[1] He has the sole *right*; whether he *uses* that right or not is an entirely different matter.

When speaking about the actual practice we must make the necessary temporal and local distinctions. Before the Revolution the Kabardians, contrary to Hahn's superficial observations,[2] paid little attention to the wishes of their daughters, whereas the Shapsugs, Abadzekhs, and Bzhedukhs generally considered the girl's preferences and even tried to act accordingly. After the Revolution (1920), the Soviet régime refused to recognize any marriage unless it had been entered upon freely. To a large extent this legislation had the desired results, but not entirely, for compulsory marriages still occur today.[3]

Since there is less family interest in the girl than in the boy (the girl is married off into a *strange* family), it is not surprising that more consideration is given the future groom than the bride. But we do not wish to say that the [582] preferences of the male children are always regarded more than those of the female. Infant betrothal[4] has always been possible in Circassia and therefore there is no question of male children having a *right* to choose their mates. *De jure* both sexes are on the same level; *de facto* the wishes of the boys are generally complied with more than those of the girls.[5] A

142 One can hardly pick up a book on the Cherkess without coming across a 583 paragraph or two about the unusual beauty of their women. Some authors go

[1] V. V. Vasil'kov, "Očerk byta temirgoevcev," SMOMPK, XXIX (1901), No. 1, p. 99.

[2] C. Hahn, *Kaukasische Reisen und Studien*, p. 39. The questioning of the bride was a mere formality.

[3] Ladyženskij, FT, p. 197. Castagné, *op. cit.*, 1929, No. 2, p. 259.

[4] N. Dubrovin, *Istorija*, I, i, p. 139.

[5] Ladyženskij, *l. c.*

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so far as to give them the title of the "most beautiful women in the world." Whether they, or perhaps the Mingrelians or others, deserve this title does not concern us here. What does matter is the conviction of the Turks and Persians that Cherkess women are beautiful. It is said that the eunuchs of Persia used to lay down their lives for them, and today, it is a known fact, that the Turks are still willing to pay immense sums to have these singularly beautiful women in their harems. No wonder then, that bride-markets were not unusual in Circassia in the nineteenth century. And even today they are still operating, using of course the black-market technique. What we wish to emphasize is that the girl sold on the bride-market is not sold *against* her will. She is not sold as a slave, even though slave-traders are the middlemen of the actual purchasers. She is not sold against her will; no, she is proud to be sold, proud to see a man give up all he has just to win her. If it is not pride that makes her so eager to be sold on the bride-market, then it is ambition. These girls have dreams just as our girls do, though of a somewhat different type. In Turkey they will be sold to a *rich* man; they will be given a *comfortable* lodging, an excellent *education*. Dreams these are indeed, great dreams that can be realized only outside of their own homeland and only in a Turkish harem, only on the bride-market![6]

The NORTHEASTERN CAUCAŠIANS. The Chechen girls according to their own native *adats* have very little to say about their future husbands. They must wait till their father (or if he is dead, their eldest brother) marries them off to whomever *he* thinks is best,[7] and, primarily, of course, best for the family, for marriage is a family affair. Child-engagements[8] are again a proof that not even the male children enjoy the *right* to choose their mates.

decision of the Ingushi, no marriage was to be considered valid unless the bride

§ 118 of the "*Adats* of the Ingush Province in the 1860's" calls for special attention. It reads: "Since the end of 1862, according to an unanimous decision of the Ingushi, no marriage was to be considered valid unless the bride had freely consented."[9] The *adat* collection then goes on to give the motive for the decision (§ 156): "Till very recently (1862) a woman was regarded as a slave: she enjoyed no human rights. Turning a deaf ear to her plea and protests, disregarding her sobs and tears, her family would sell her off like a ram, throw her on a cart, and deliver her to her husband."[10] Such a miserable bride, the collection tells us, would in most cases run away from her purchaser. But where could she flee except to her own family — unfortunately the same persons who sold her into "slavery"? Her family, however, had to return the fugitive to her lawful husband, for the contract had to be observed to prevent bloodshed. She would then run away again, and even a third time, making life

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[6] Cf. Emin-Bey, *op. cit.*, pp. 202—207. Longworth, *A Year among the Circassians*, I, p. 279.

[7] Cf. The general *adats* for the Black Sea Line, Kuban and Terek Territories, Leontovič, II, p. 251, § 148. *Adats* of 1843 for all Chechens, Leontovič, II, p. 112, § 8. *Adats* of 1864 for the Chechen tribes of Salati, Aukh, and Ichkeria, Leontovič, II, p. 144. Adats of the 1860's for the Ingush Province, Leontovič, II, p. 169. A. P. Berže, Čečnja i Čečency, p. 97.

[8] Dubrovin, *Istorija*, I, i, pp. 427.

[9] Leontovič, II, p. 169, § 118.

[10] "*Adats* of the Natives of the Ingush Province in the 1860's," Leontovič, II, p. 174, § 156.

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585 more and more miserable for herself.[11] Sometimes the court succeeded in bringing about a peaceful settlement, even a more or less happy reunion,[12] or the husband would in disgust divorce her.[13] That such cases have occurred cannot be denied, but we have here nevertheless an example of the proneness of pre-Soviet writers to exaggerate the "savagery" of the Caucasians.

584 The actual fact is that the Russian Military Government tried to abolish compulsory mating. The Ingushi "agreed" to allow their daughters to choose their own mates or at least to ask them if they consented to the marriage arranged by the head of the family. Grabovskij assures us that the innovation of 1862 was being observed but only as a formality. The girl was generally asked whether she wanted to marry the particular man chosen for her, but no matter what she answered, the plans of her family were infallibly carried out.[14]

The customary laws of the *Lesghians* in regard to freedom of choice do not differ from what we have learned about the other mountain tribes of North Caucasus. According to their *adats*, the *right* to choose a mate belongs to the head of the family and to him alone. If he so wishes, he may betroth his boy or girl while they are still in the cradle.[15] The Lesghian boys have much more to say about their future wives than the girls about their mates, and even in the last century the boys were never forced to marry anyone against their will.[16] Virgins were given much less freedom in selecting their partners than a girl that had lost her virginity.

But just why should a woman who no longer possesses her virginal integrity be given more freedom than a virgin? This practice seems to have been introduced by Islamism, for it is in full accord with the teaching of the Šâfi'itic School. Mohammed is supposed to have encouraged all Walîs (father or guardian) to ask the girl if she freely consented to the proposed marriage. The Prophet failed to specify just what he meant by "girls." The Šâfi'itic School maintained that "girls" means "non-virgins."[17] Others insisted that Mohammed did not intend to distinguish between "virgins" and "non-virgins" but rather between "girls of age" and "girls not yet of age," the

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[11] *ibid.* (§§ 157 f). The lot of a widow or divorcée was supposed to have been much the same. Cf. Leontovič, II, 169, §§ 117 ff.

[12] Leontovič, II, p. 174, § 158.

[13] *ibid.*

[14] "Ekonomičeskij i domašnij byt žitelej gorskago učastka Ingulevskago okruga," SSKG, III (1870), p. 20.

[15] Dubrovin, *Istorija*, I, i, p. 562.
Sveščin, "Očerk narodonaselenija, nravov i obyčaev Dagestancev," ZKO, II (1853), p. 64.
Kovalevskij, *Zakon*, II, pp. 180 f.
For customs relating to infant betrothal see: L'vov, "Domašnjaja i semejnaja žizn Dagestanskich gorcev avarskago plemeni," SSKG, III (1870), p. 17. According to Amirov, "Sredi gorcev severnago Dagestana," SSKG, VII (1873), p. 30, mentions that the engagement takes place when the future mates are still under 10. Cf. also Požidaev, *Gorcy severnago Kavkaza*, p. 105.

[16] This was the practice in the last decades of the nineteenth century. Kovalevskij, *Zakon*, II, p. 204.

[17] Juynboll, *Handbuch des islâmischen Gesetzes nach der Lehre der schâfi'itischen Schule*, p. 210.

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saǧîra and the *bâliǧa*. The *bâliǧa* had the right to declare any marriage arrangements made by the *wali* as null and void, i. e., the right of *hîjar* (" retraction "). Still other interpreters were of the opinion that a distinction should rather be made between the rights enjoyed by the girl's father and grandfather and those enjoyed by other guardians — which of course only adds to the confusion.[18] What is of importance is that the Šâfi'itic doctrine prevailed in Daghestan: non-virgins are free to choose their own mates while virgins are not.

But under certain conditions virgins are free as well. In Avaria, for example, if the father of the girl happens to be away on a two-days journey, the girl may go to the mullah (in Avaria called *debîr*) and obtain permission to marry whomever she wishes.[19] But this practic too is not based on customary but on Islamic law.

Mohammed *recommended* (as a *sunna)* that all girls should be asked for their consent before marriage. Among the Avars[20] and the Laks[21] the marriage would be considered invalid if her consent were not asked. In Avaria two persons are sent by the *debîr* as official witnesses to her consent. At first sight all these regulations seem to guarantee freedom of choice, and not a few authors and explorers have made the mistake of not distinguishing between theory and practice.[22] In pre-Soviet times the girl's consent was indeed asked but merely as a formality.[23] As L'vov points out, the girl would infallibly consent, it is true, but not freely. She was afraid of offending her father.[24]

Despite the difference between theory and practice, it cannot be denied that Islamism has brought the Daghestanian woman a number of rights that she had not enjoyed before.[25]

The *adats* of the neighbouring peoples show a striking similarity to those of the Northern Mountaineers. The SOUTH CAUCASIANS (the Khevsurs, Pshavs, and Tushi) had the custom of infant engagement and therefore *de jure* the consent of the engaged persons was not required.[26] Dubrovin tells us that the Tushi and Pshavs generally married off their children with no or very little

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[18] G. Bergsträsser, *Grundzüge des islamischen Rechts*, p. 82.
[19] Kovalevskij, *op. cit.*, II, pp. 175 f.
[20] L'vov, " Domašnjaja i semejnaja žizn etc.," p. 25.
[21] Kovalevskij, *l. c.*
[22] Cf. Alichanov's series of articles " V gorach Dagestana," which are supposed to have appeared in the *Kavkaz*. These articles however are not available on this side of Russia. Baddeley believes that they have never appeared in book form *(The Rugged Flanks of Caucasus*, II, p. 72, *note)*.
C. Hahn, " Putešestvie v Kachetiju i Dagestan," SMOMPK, XXXI (1902), p. 93. This article has been almost verbally translated in Hahn's *Bilder aus dem Kaukasus*.
Byhan, *op. cit.*, p. 191.
Nansen, *Through the Caucasus to the Volga*, p. 104.
[23] Kovalevskij, *Zakon*, II, p. 204.
[24] " Domašnjaja i semejnaja žizn etc.," p. 22.
[25] We do not refer merely to Shamyl's reforms, which were only superficial.
[26] Eristov, " O Tušino-Pšavo-Chevsurskom Okruge," ZKO, III (1855), p. 109.
Mourier, *Guide au Caucase*, Part I, p. 153.
Hahn, Bilder aus dem Kaukasus, p. 82.
Byhan, *op. cit.*, p. 112.

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584 regard for their wishes.[27] Today, of course, the Khevsurs[28] and the Pshavs[29] no longer force their daughters into any particular marriage.

The OSSETINE *adats* give the father the sole right to decide the mates for his sons and daughters. Child-engagements[30] and child-marriages[31] are not rare. The consent of the future bride and groom was generally asked for, but again, here as elsewhere in the Caucasus, it was usually a mere formality. In pre-Soviet Ossetia a well-bred girl was forbidden to manifest her preference for any particular man. She always had to "agree" and in no way show her displeasure. If she wanted to avoid marriage, suicide was sometimes the only means of escape.[32] But fortunately this means was very seldom resorted to; instead, the unhappy bride preferred to be the "slave" of her husband[33] for the good of the family. Mating was determined not so much by the mutual attraction of the bride and groom as by the will of the heads of the two families.[34]

The TURCO-TARTARS. The *Nogai* often betroth their children before they are seven years of age,[35] a custom universally practiced by the Turkic peoples.[36] Among the *Karachai*[37] and the *Kumyks*[38] it is again the head of the family who has the decisive word. In practice, however, the Kumykian girl seems to enjoy considerable freedom. A suitor must first propose to his beloved and only if the answer is in the affirmative ("If my family agrees") may he approach his own father and then the family of the prospective bride.[39] A refusal 583 on the part of the girl's father generally would lead to elopement.[40]

§ 2. INPLICATIONS IN THE LACK OF FREEDOM OF CHOICE

In spite of the fact that the Caucasus is looked upon as an ethnographical museum, we find very little variety in regard to the right and practice of choosing mates. Everywhere, at least formerly, it was the father and he alone who had the right to arrange marriages for his children.

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[27] Dubrovin, *Istorija*, I, ii, p. 309.

[28] Enad-Bey, *op. cit.*, p. 267.

[29] G. Demidov, V uščel'jach pervodbytnoj gruzii (Chevsuretija), Moscow, Leningrad, 1930, p. 17.

[30] Leontovič, II, p. 51, § 15.

[31] Dirr, AGKB, p. 121; Dubrovin, *Istorija*, I, i, p. 334; Kovalevskij, *Coutume contemp.*, pp. 177 f, 192 f.

[32] Kovalevskij, op. cit., p. 193. In primitive societies suicide is seldom occasioned by disappointed love. Most of the time it is, as with the Ossetes, a rebellion against marrying a person the girl abhors (cf. Steinmetz, "Suicide among Primitive Peoples," *The American Anthropologist*, VII, p. 55.

[33] Dubois de Montpéreux, *op. cit.*, IV, p. 449.

[34] Dubrovin, *Istorija*, I, i, p. 333.

[35] Dubrovin, *Istorija*, I, i, p. 277.

[36] H. Vámbéry, *Das Türkenvolk*, p. 109.

[37] Klaproth, "Voyage au Caucase," *Nouvelle Bibliotheque*, XI, p. 170.

[38] Semenov, "Očerki narodnych obyčaev Kumykov," *Terskij Sbornik*, II (1892), No. 2, Part 2, p. 68.

[39] Gadži-Magoma-Debirov, "Dagestanskija predanija i suevěrija," SMOMPK, IV (1884), No. 2, p. 32.

[40] Gadži-Magoma-Debirov, *l. c.*

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(1) This[1] is but another right from among the many that the male head of the family enjoys in a patriarchal society. The deeper reason for this monopoly is the fact that marriage is recognized by the *adats* as a family affair. 581 [584]

(2) Marriage is essentially an economic transaction and not so much a union between two lovers. Mutual attraction is not of paramount importance but rather the bride-price (*infra*, pp. 82—91), the social rank of the bride (*infra*, p. 90), her physical fitness for hard work (*infra*, pp. 156—159), her fertility and "capacity" to give birth to boys (*supra*, pp. 44f, *infra*, p. 140), and her virginity (*infra*, p. 90). Not that love affairs do not occur among the mountaineers—even elopement is not rare (*infra*, pp. 96f). What we wish to stress is that (especially formerly) the determining factor in deciding which individuals from among the many possible mates are to be married is, not love or sexual attraction, but the qualities just enumerated. This conception of an ideal wife fits perfectly into the culture of pastoral peoples.

(3) Since even the bride and groom have the same concept of an ideal match as the father, and since they realize that he can observe these qualities just as easily as they themselves, mating generally does not involve violence to the wishes of the partners.

1 [i.e., to arrange a marriage--Analyst]

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Much has been written about the OSSETINE bride wealth, but no one has described it so well as Kovalevskij in his *Sovremennyj obyčaj i drevnij zakon.* 583

Less than fifty years ago the expenses involved in a marriage were enormous. The families of the highest class in Kurtatinsk and Tagaursk had to pay as much as 100 oxen (worth about Rs. 1,000), one male slave or Rs. 120 and a coat of mail. In Kurtatinsk an equivalent number of cows could be substituted for oxen; a female slave or 12 oxen could be substituted for a male slave. The *farsaglegs* were valued at 60 cows or 30 oxen, whereas the *kavdassart kalym* was 25 to 38 cows. The Alaghirs never paid more than 38 oxen. An ox could be replaced by one cow and two sheep; a gun could replace six oxen; a sword, two or three oxen; a large chauldron for brewing beer, six oxen; a hearth chain, three cows.

Besides the *kalym* (or more correctly when speaking of the Ossetes, *irad*) the Mohammedan Ossetes are obliged to give a guarantee against divorce, the equivalent of the Lesghian *kebin*, called by the Ossetes *nakiash*.

Astounding is the number of gifts which the suitor's family was obliged to offer to the relatives of the bride. There was the *fati-bash*, *i. e.*, a horse called "The Arrow Horse" because the consent of the bride's father and the whole matchmaking procedure moved as swiftly and directly as an arrow; the *fati-bash* was given to the bride's father while her mother received the *madi-bash*, ("The Mother's Horse"). Then there was the *amtsedzhi-bash* ("The Nurse's Horse") which actually went to her husband (cf. *supra*, the *atalyk*, p. 57). The *madi-arvadi-bash* or *madi-arvadai-kal* was a horse given to the nearest relative of the bride's mother, most commonly to her brother. The Digorians usually offered oxen instead of horses.[39]

The sib must not be forgotten either. Besides the bride-price the prospective bride-groom had to give about Rs. 9 to the village, or, in other words, to the sib, for the Ossetine villages are generally composed of families related by blood. This payment was called *kauvendag* ("The Village Road").[40] Kovalevskij's figures differ but slightly from those of earlier ethnographers of the same century. Klaproth in his *Voyage au Mont Caucase et en Géorgie* (1828)[41] informs us that the highest *kalym* among the Ossetine nobles was Rs. 1,000 (hence about 100 cows). Dubois de Montpéreux,[42] whose investigations were published about 10 years after those of Klaproth, places the bride-price at 140 cows and 7 horses as the maximum and 12 cows as the minimum. In 1859 the Russians enacted a law according to which one third of the *irad* was to go to the bride as social security in case her husband should die.[43] This attempt to put an end to what the Russians considered a great abuse served only to raise the *irad* considerably. In fact, it reached an exceptionally high point in 1877, when to marry a single son would often bring complete financial

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[39] Kovalevskij, *Coutume contemp.*, pp. 163 f.
[40] Kovalevskij, *op. cit.*, pp. 175 f.
[41] II, p. 249.
[42] *Voyage autour du Caucase*, IV, p. 449.
[43] Leontovič, II, p. 51, § 17, *note* 3.

Chapter VI

Premarital Arrangements

§ 1. DESCRIPTION OF MATCHMAKING AND BETROTHAL CUSTOMS

1. Description

584 NORTHWESTERN CAUCASIANS. Matchmaking among the Cherkess is, as a general rule, quite simple.

The premarital arrangements of *Christian* Cherkess has been described by Dubrovin as follows.[1] "Marriages are arranged by the parents of the prospective bride and groom.[2] If the young man's father is dead, his nearest relative sends as matchmakers two old men to the girl's father and two old women to her mother.[3] If the answer is in the affirmative, a date is set on which the young man's relatives must bring the usual engagement gifts and provide the food for a special engagement feast. The young man's family and other relatives come on the appointed day with some cloth and rings for the bride-to-be, who, however, is not present at her betrothal feast."

The *Mohammedan* betrothal is likewise very simple. The father of the young man (or a relative) visits the family of the prospective bride and enquires about the possibilities of a marriage between the two. If the answer is favourable, a representative of the bride and two witnesses are called. The girl's free consent is always insisted upon, but, as we have mentioned above (*supra*, p. 79), this is only a formality. The mullah is then notified, after which he recites a special betrothal prayer. The only negotiations that still must be made are those regarding the *kalym*, the day on which the special engagement feast is to take place, and, finally, the day of the wedding itself. The *kâdî* must register all engagements in his official books.[4]

And now, if we pass on to the *non-Christian and non-Mohammedan* communities we find the coustoms slightly different. A friend or relative of the young man offers a horse to the prospective bride's father, brother, or another member of the family. If the father of the girl consents to the marriage, he will accept the horse as a special engagement gift (*euzh*, as it is called).[5] After some time, the future groom must visit his future parents-in-law. Toward evening, the

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[1] This is a free translation of *Istorija*, I, i, p. 139 f.

[2] The Temirgoi marriages are arranged by representatives of both fathers, usually close relatives (Vasil'kov, "Očerk byta temirgoevcev," p. 89).

[3] Women never have a part to play in the arrangement of marriages among the Temirgoi (*ibid.*).

[4] Hahn, *Kaukasische Reise und Studien*, pp. 39 f; Dubrovin, *Istorija*, I, i, pp. 141 f.

[5] Dubrovin, *Istorija*, I, i, p. 140.

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fire in the hearth is extinguished, and the future bride and groom must clasp hands as a concluding betrothal ceremony.[6] Only now do the negotiations regarding the *kalym* begin.[7]

The NORTHEASTERN CAUCASIANS. Instead of describing the customs of each Chechen tribe individually, we shall present the engagement customs of the most primitive of Chechen tribes, the Ingushi. The father of the suitor visits the family of the prospective bride personally.[8] Stereotyped procedure is the rule, and he is fully aware of this observance. At the first and second visit the girl's family is obliged by etiquette to make excuses, and by no means may a decision be reached. At the third visit the girl's father will utter his long awaited consent. The matchmakers may never visit the bride's father empty-handed. Usually they bring a ram to treat the family to a little dinner and to create a friendly atmosphere for the discussion regarding the marriage. If for some reason or other the marriage be considered undesireable, etiquette demands that an outright refusal be avoided ; instead, the girl's family must demand an excessive *kalym* or make other impossible stipulations. If the father of the girl has given his consent, a betrothal feast must be prepared,[9] on which occasion the suitor presents his future wife with an engagement gift of Rs. 10 and a silk cloth.[10] The local mullah is then called and a formal engagement contract is drawn before the usual two witnesses.[11] Two or three months later, the date of the marriage is agreed upon. Once the couple is officially engaged, the entire *taipan* becomes extremely interested in them, doing them all sorts of favours.

In Leontovič's *adat* collection we find another form of matchmaking. A brother is obliged to arrange a marriage between his sister and a friend who has "drunk to her health and offered her brother a gift." A failure to carry out this obligation will turn an intimate friend into the bitterest foe, and rightly so, says the *adat*, because such a neglect is a serious crime, a blood-offense, which necessarily calls for revenge no less than does murder.[12] This means of arranging a marriage is very rare and resorted to by the North Caucasians, especially the Ingushi, only after a refusal.[13] This *adat* is especially interesting because it overrules the sacred, inviolable *patria potestas* and so many other *adats* regarding choice of mates and engagement. This may very well be a vestige of a right formerly enjoyed by the maternal uncle.[14]

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[6] *ibid.*

[7] *ibid.* The engagement customs of the Abkhaz have been described quite fully by Seidlitz in his "Die Abchasen," *Globus*, LXVI (1894), p. 40.

[8] In Salati, Aukh, and Ichkeria matchmakers arrange the marriage ("Sbornik adatov žitelej Nagornago Okruga, 1864 goda," Leontovič, II, p. 144, § 92).

[9] Jakovlev, *Ingusi*, pp. 50 f.

[10] Berže, *Čečnja i Čečency*, p. 97.

[11] Grabovskij, "Ekonomičeskij i domašnij byt žitelej gorskago učastka Inguševskago Okruga," SSKG, III (1870), p. 20.

[12] Leontovič, II, pp. 251, §§ 149, 151 ; Berže, *op. cit.*, p. 98 ; Dubrovin, *Istorija*, I, i, p. 427.

[13] Leontovič, II, p. 251, § 151.

[14] Cf. Kovalevskij, "La Famille matriarcale au Caucase," *L'Anthropologie*, IV (1893), pp. 271 f.

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584 The Lesghian peoples can all boast of an elaborate engagement procedure. Were we to describe the ceremonies of each of the Lesghian peoples and tribes individually, we could easily fill a complete volume, but a volume with countless repetitions. We shall, therefore, limit ourselves again to what we may call a *typical* Lesghian engagement. Allowing for accidental differences, it is the kind of matchmaking and betrothal one finds among all Lesghians. These ceremonies have been described especially well by Kovalevskij in his *Zakon i obyčaj na Kavkazě*, L'vov, "Domašnjaja i semejnaja žizn Dagestanskich gorcev avarskago plemeni," Omarov, "Kak živut Laki," Gabiev, "Laki, ich prošloe i byt," and Dubrovin, *Istorija vojny i vladičestva russkich na Kavkazě.*

A Lesghian engagement is a long, drawn-out affair, lasting for months or even years,[15] yes, even for a decade or two.[16]

The suitor usually takes the first step himself: he invites the father of his prospective bride to dinner and secretly tries to discover the father's attitude toward such a match.[17]

Soon after that, the hopeful suitor sends a matchmaker to the girl's father. The matchmaker is usually a woman[18] (sometimes the mother or sister of the groom), but sometimes a man is sent instead;[19] and sometimes two matchmakers are sent instead of one.[20] Matchmakers are soon recognized as such by their unusual eloquence and unexpected eulogies.[21] "There is a certain young man, with an incomparable character. He is brave beyond description. And, of course, he is well-to-do. He is a man of reliability. In a word, he possesses all the qualities any and every Lesghian values." Then follows the practical application: "What a blessing it would be if this young gentleman would (Allah granting) become the husband of such a wonderful girl as is your daughter. Can you think of a better match?" But no matter how eager the parents of the girl may be to give her in marriage to this particular "superman," etiquette demands that this part of the premarital arrangements end in excuses and objections: "Oh, you see, our daughter is still so young! And besides, how could we get along without her. You realize the decision is very difficult. Please, let us think the matter over."

Some time later, the girl's parents consent to the marriage, the usual formula being, "Insha-Allah", i. e., "If it please Allah; if Allah so will!"[22]

Now that the girl's parents, especially her father, have no objections to the marriage, the suitor's task is to become acceptable to the girl and her family, and without gifts such a task would be impossible.

584 431 The next part of courtship is called *suknikari*.[23] The matchmaker brings the girl a ring, some clothes, and money. The *suknikari* is a very important

[15] Gabiev, *op. cit.*, p. 108.
[16] Kovalevskij, *Zakon*, II, p. 181.
[17] "Adaty Južno-Dagestanskich Obščestv," SSKG, VIII (1875), p. 41.
[18] Kovalevskij, *l. c.*
[19] "Adaty Južno-Dagestanskich Obščestv," *l, c.*; L'vov, *op. cit.*, p. 22.
[20] "Adaty Južno-Dagestanskich Obščestv," p. 31.
[21] Dubrovin, *Istorija*, I, i, pp. 562 f.
[22] L'vov, *l. c.*
[23] The first visit of the matchmakers was called *sukni* (in Dargwa).

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event in every Lesghian's life, for if these gifts are accepted, the consent of the parents of the girl is considered final.[24]

The next step consists mainly in an exchange of gifts.

Some days later, the mother of the young man visits the girl's family, bringing with her four loaves of bread and a ram,[25] a large copper basin, clothing, one silver and one golden ring. On accepting the gifts the girl puts the rings on her fingers. This visit of the mother of the groom constitutes the essential part of the engagement: from this moment the two young people are considered engaged.[26] In return the bride's family give the future groom's mother two loaves of bread, a slaughtered ram, and some small coins.

In the near future the fiancée must pay a visit to her parents-in-law. The groom-to-be, however, must absent himself on this occasion. She again receives various gifts: cloth, rings, ear-rings, and a vessel.[27]

Several days later the young man, in turn, pays a visit to his fiancée's family. Now it is the girl's turn to be absent. A small feast is prepared, and the suitor presents the family with some cloth and a slaughtered ram.[28]

The exchange of gifts must continue, vessels, cloth, rams, money, and pastries being the usual gifts. The suitor generally selects holydays as most appropriate for his visits and bestowals. There is especially the *khinki arkhul* which consists of pastries, cloth, an eviscerated ram, six large loaves of bread, and a large cast-iron vessel not less than 16 pounds in weight. These gifts are brought to the fiancée by two male and two female relatives of the suitor. In return the girl sends her future husband some silk cloth and two belts, and a necklace for his sister.[29]

Some time before the wedding, various materials are brought to the future bride, such as hemp, which she must prepare for use in her future home. Two or three years later, she receives 30 or 40 sheep-skins or 9—10 rams. In return she offers some cloth and belts.

The final bestowal of engagement gifts takes place several months later when two men and two women betake themselves to the bride-to-be, this time with one live and one slaughtered sheep, six large loaves of bread, three pieces of clothing of which one is silk, and, finally, a piece of cloth.

The last act of the engagement drama takes place shortly before the wedding. Three to ten relatives of the future bridegroom go to the family of the young lady, where they prepare the *khalba* and for this purpose they bring six pounds of butter and one measure of flour, while the girl's relatives provide other food. This feast is held on Tuesdays, Wednesdays, or Thursdays and usually lasts a day or two. On this occasion two reliable persons representing

[24] Kovalevskij, *Zakon*, II, pp. 181 f.

[25] In Upper Kaitago (in Gank, Gansh, Myura) the groom's sister may come instead of his mother. AJuDO, p. 41.

[26] Kovalevskij, *Zakon*, II, p. 182: "Rěšajoščim aktom v dělě svatovstva javljaetsja vstuplenie materi ženicha v dom roditelej nevěsty s četyr'mja bol'šimi chlebami..."

[27] *ibid.*

[28] In some places the suitor's visit precedes that of the fiancée. Cf. "Adaty Južno-Dagestanskich Obščestv," p. 41.

[29] Kovalevskij, *l. c.*

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584 [431] the future groom and two others representing the bride-to-be conclude a formal written contract regarding the *kebin*.[30]

The SOUTHERN CAUCASIANS. Southwest of Daghestan is the province known as Sakataly. A brief description of the Ingiloi betrothal customs will give us a good idea of the entire country bordering Southwestern Daghestan. The matchmaking is carried out by a representative of the suitor and a near relative of the mother of the girl, who, after a preliminary discussion, informs the mother that, "a certain person sent me to you with a little request. He would like to marry your daughter. The young man is truly of a noble character and well-to-do. I advise you to give your consent." Just as among the Chechens and Lesghians, the matchmaker will not receive a favourable answer at once. Only at the third visit is a decision reached, provided that within a definite time the family of the suitor can furnish a piece of silk, a silver ring, a ram, 10 loaves of bread, two liters of nuts, 15 or more eggs, 3 measures of apples, and two pails of wine. On the appointed day the bride-groom's matchmaker and one of his relatives bring these things to the girl's family. When the groom's intermediary arrives, he announces, "All these things were sent by Mr. X to win the favour of your daughter. May God grant them both luck and health, and may He also grant the same to you." Then the ram, which was brought by the matchmaker, is slaughtered; the cloth, ring, and money are received by the mother of the girl; the ring is placed on the girl's finger, from which moment she is regarded as definitely engaged. Similar feasts and gifts must follow. It is worthy of note that it is the mother who receives the gifts, the father having pratically nothing to do in the whole engagement ceremony. A final visit, and then the day of the marriage is agreed upon.[31]

To arrange a marriage in Pshavia usually takes about two years. The first discussions between the two families are a mere formality, but a formality that is strictly insisted upon, as it is elsewhere among the mountain peoples of the Caucasus. When the girl's parents finally give their consent, the so-called *agreoba* takes place: that is, bread is broken, distributed among the bride's relatives, and then eaten together with salt as a sign of friendship and betrothal. From this moment the two young people are considered engaged,[32] and the suitor's family is obliged to offer the girl's relatives an engagement gift. About a hundred years ago, according to Eristov,[33] it amounted to one ruble twenty kopeks. Among the Khevsurs it was only 20 kopeks.[34] After some time the future groom is obliged to visit his fiancée's family, and he and his friends are given a feast, but first the visitor must offer the *sakhlis sanakhavi* ("the visitation of the house"), which includes bread, meat, and drinks. The following day a

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[30] Dubrovin, I, i, p. 563.

[31] Cf. Fon-Plotto, "Priroda i ljudi Zakatal'skago Okruga," SSKG, IV (1871), pp. 30 f.

[32] Cf. Makalatija, "Iz starogo narodnogo byta Pšavov," SE, 1938, No. 1, pp. 103 ff.

[33] The Tushi have the same custom (Dubrovin, *Istorija*, I, i, p. 310).
"O Tušino-Pšavo-Chevsurskom Okruge," ZKO, III (1855), pp. 111 f. According to Makalatija, *l. c.*, Rs. 5 to Rs. 15.

[34] Dubrovin, 310.

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sheep is slaughtered and a second feast is given at which the husband- and wife-to-be are present. The elder of the village (*khevis-beri*)[4] presides and then recites the special engagement prayer: "Glory to you, George, Angel of the Oak, Lasharis-Dzhbari, and Queen Tamara! George, Angel of the Oak, bless this young couple! Make them happy, rich and prosperous!" [35] After this the *mkepari*[36] are chosen from among the relatives of both partners, whose task it is to collect gifts for the betrothed. The Pshavs do not give their daughters a special dowry, these gifts and the *satavno* taking its place.[37] From now on the suitor is allowed to pay his future wife frequent visits.[38]

There is very little difference to be noted in the OSSETINE matchmaking and betrothal.[39] At first a good friend (generally a woman) of the young man's family is sent to the parents of the girl to learn, unnoticed if possible, about the possiblity of a marriage. If the "spy" returns with a favourable answer, two official matchmakers are sent, generally elderly friends of the family. All dealings are kept secret until the girl's father consents. The town-crier is then notified, for it is his duty and privilege to publicize all engagements. Then the matchmakers bring to the girl's family gifts and the *kalym*, and, as usual, the engagement is celebrated by a feast.[40]

The engagement customs of the KUMYKS are about the same as those of the Chechens.[41] In Balkaria it is the agreement regarding the *kalym* that constitutes the essence of the betrothal.[42]

2. Conclusions regarding Matchmaking and Betrothal

(1) All North Caucasians and immediate neighbours have the custom of formal betrothal of one sort or another. (2) Nowhere is the marriage arrangement a private affair. The two persons concerned are either passive, or if they do act, they are simply cooperating in a family matter. (3) Official go-betweens are usually employed. (4) The initiative is taken among all North Caucasians and neighbouring peoples by the male side. (5) Although the mother plays a surprisingly important part in the engagement customs, the final decision rests with the father.

The premarital arrangements of the Caucasians have a strongly patriarchal character. It is the father who has the final word in matchmaking. Moreover,

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[35] Makalatija, *l. c.* The sacred oak referred to is supposed to be on Mount Lashari in the central part of Pshavia and is tied to heaven with a golden chain (Makalatija, *op. cit.*, p. 103).

[36] Makalatija, *l. c.*

[37] Every girl, while still small, receives a calf as her own property. All the profit she makes by raising the calf becomes her property too.

[38] Makalatija, *l. c.*

[39] Dubrovin, I, i, pp. 329—332.

[40] Hahn, *Bilder aus dem Kaukasus*, pp. 40 f.

[41] For a fine description of Kumykian matchmaking and engagement see Semenov, "Očerki narodnych obyčaev Kumykov Terskoj Oblasti," *Terskij Sbornik*, II (1892), No. 2, Part 2 pp. 68—71; Dubrovin, *Istorija*, I, i, p. 637.

A. Karaulov, "Balkari na Kavkaze," SMOMPK, XXXVIII (1908). No. 1, p. 146.

4. [in Pshavia, southern Caucasia -- Analyst]

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584 593 the passivity of the couple reflects their submission to the *patria potestas* and perfectly agrees with all we have said about the freedom of choice. The girl is usually more passive than the young man, a fact that corresponds to the greater privilege of the latter to choose his own mate. Although the Caucasian customs of matchmaking and engagement are strongly patriarchal in colouring, we do not wish to say that betrothal as such is a patriarchal trait. On the contrary, elaborate engagement ceremonies are found especially among matriarchal peoples.[43]

§ 2. PRIVILEGES AND OBLIGATIONS ARISING FROM BETROTHAL

There are three distinct obligations that we must consider: (1) mutual avoidance especially in public, (2) mutual fidelity, (3) and the obligation of entering upon marriage with one's engaged partner.

1. Mutual Avoidance

584 834 [836] The NORTHWESTERN CAUCASIANS. An *adat* for the Black Sea-Cordon Line, Kuban and Terek Territories speaks of the strict obligation of the betrothed to avoid one another in public. Should they accidently meet in the presence of others, they may not speak to one another; in fact, they are forbidden even to pass a glance at each other.[44] Of course, sexual intercourse is strictly forbidden and severelly punished (*infra*, pp. 168—179).

The NORTHEASTERN CAUCASIANS. In Chechnia, as soon as the father of the girl gives his consent and the suitor's family has presented their future daughter-in-law with the prescribed engagement gift of ten silver rubles and a silk kerchief, the young man has the right to meet his beloved, but only in private. If another person is present, the bride-to-be must turn her back to her lover.[45] Betrothal, however, does not give the pair the right to sexual relations.[46] When speaking of the Lesghians[47] we must distinguish between three distinct classes of *adats* regarding mutual avoidance: (1) sometimes the engaged couple is strictly forbidden to meet, be it in public or private (if they do meet, it is done stealthily), (2) among some Lesghian peoples they are permitted to meet at the girl's house, (3) among the Tsunta-Akhvakh the *adats* permit engaged couples even to sleep together (*infra*, p. 181 f). [836]

The *adats* of some of the mountain tribes of SOUTH CAUCASUS strictly forbid engaged couples ever to meet in public or in private. It may happen that

[43] Thurnwald, "Verlöbnis," Reallexikon der Vorgeschichte, XIV, p. 133.

[44] Leontovič, II, p. 257, 194. Dubrovin, *Istorija*, I, i, p. 429: "Posle sgovora ženich imčet pravo videt'sja tajno s' svoej nevěstoj; no pri postoronnich ljudjach priličie trebuet ne tol'ko ne govorit' meždu soboju, no i ne smotret' drug na druga."

[45] Berže, *op. cit.*, pp. 97 f.

[46] *Infra*, pp. 169—176.

[47] L'vov, *op. cit.*, p. 22 f; Amirov, "Sredi gorcev severnago Dagestana," SSKG, VII (1873), p. 30; Omarov, "Kak živut Laki," SSKG, IV (1871), pp. 16 ff; Dubrovin, *Istorija*, I, i, p. 564.

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the couple does not become acquainted with one another till their wedding day.[48] In Khevsuria the girl used to move into the house of her future father-in-law before her marriage, and there she would take part in the family work for three to fourteen days, but all this time she was not allowed to associate with anyone except the female members of the family. After that she returned to her own household and lived there for two weeks at least (sometimes two or three years), during which time she was not allowed to meet her lover. In fact, he was even forbidden to enter her village.[49] In Pshavia, as we have seen above (p. 105), the engaged couple is allowed to meet frequently.

The obligation of mutual avoidance is also observed by the neighbouring OSSETES.[50]

In this regard the neighbouring TARTARS do not differ either. The Kumyk may visit his future wife only privately and is strictly forbidden to speak to her in the presence of others.[51] The Karachai suitor is forbidden to speak not only with his beloved but also with his future parents-in-law.[52]

2. Mutual Fidelity

The *adats* of the North Caucasians do not tell us whether the obligation is bilateral or not. The female partner, of course, is strictly bound to fidelity as will be clear from our exposition of the proof of virginity demanded of the bride on her wedding night *(infra*, p. 124) and from Chapter XII on sexual violations.

3. The Obligation of Entering upon Marriage

Islamic law gives both parties the right to dissolve the engagement at will.[53] It will be interesting to find out whether in this particular case the *adats* are observed or the *šarī'a*.

The NORTHWESTERN CAUCASIANS. The "Collection of adats for the Black Sea-Cordon Line, Kuban and Terek Territories" (§ 195) informs us that "the man has a right to break his engagement at will; and, at the request of his fiancée or her relatives, he may permit the girl to withdraw her promises."[54] This adat clearly shows that the obligation is unilateral. "The girl [or her family] may not break the engagement without her fiancé's consent."[54]

The NORTHEASTERN CAUCASIANS. The following table will give us a good idea of the Chechen *adats*.

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[48] Dubrovin, *Istorija*, I, ii, p. 309.

[49] M. O. Kosven, "Peržitki matriarchata u narodov Kavkaza," SE, 1936, No. 4—5, p. 216.

[50] Dubrovin, *Istorija*, I, i, p. 333; Byhan, *op. cit.*, p. 212.

[51] Dubrovin, *Istorija*, I, i, p. 638.

[52] Byhan, *op. cit.*, pp. 245 f.

[53] Juynboll, *op. cit.*, p. 163.

[54] Leontovič, II, p. 257, § 196.

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TABLE 13

Obligation of Betrothed to Enter upon Marriage among the Chechens

584

Tribe	Right to dissolve engagement enjoyed by		What happens to bride wealth and engagement gifts after betrothal promises are withdrawn?	Sources
	Suitor	Fiancée		
Ingushi	Yes	No	If bride [or her family] break the engagement, the bride wealth must be returned to the suitor.	Leontovič, II, p. 170, § 122
Salati	No*	No	If suitor [or his family] break the engagement, the girl may retain all gifts.	Leontovič, II, p. 145, § 97
Idkerians	Yes	No	Whether male or female side break the engagement, engagement gifts must be returned to the suitor.	Leontovič, II, p. 145, § 96
Aukh	Yes	No	If suitor [or his family] break the engagement, the gifts must be returned; if the girl breaks the engagement, the *kalym* and gifts received must be returned in double value.	Leontovič, II, p. 144, § 95

* The *adat* collection says that the suitor *may* break the engagement, but since he is obliged to forfeit the engagement gifts, we prefer to say he does *not* have the right to dissolve an engagement. The general rule throughout Chechnia and Ingushetia is that the young man may dissolve the engagement at will without any loss, while the girl or her family may not, without the consent of the male side. Cf. Berže, Čečnja i Čečency, p. 98.

There is very little data available regarding the Lesghian practice. In some places the general Islamic norm is followed. Elsewhere, e. g. in the District of Usisha (Province of Dargwa), neither party has the right to call off the marriage. If the man refuses to marry because his fiancée has been unfaithful (or for some other legal grounds), she must return all that she has received from him by reason of their engagements. If, on the other hand, the male partner is at fault, the girl has a right to withdraw her promises and retain all betrothal gifts.[58] In Kaitago-Tabassaran, if the girl or her family prevent the marriage from taking place, they must return twice the value of the bride wealth received; if the man is not willing to marry, he forfeits the bride wealth and gifts.[59]

The customary laws of the SOUTHERN CAUCASIANS recognize two forms of betrothal: (1) the *tsindoba* (*tsindva*, or *datsindva*), which consists in a promise to marry, made before witnesses; (2) the *nishnoba* or *nishnismitana* (literally, "giving a sign"), i. e., symbolic act or ceremony in which the future

[58] This *adat* would seem to imply that both partners are equally obliged to remain faithful.

[59] "Adats for North Tabassaran," SSKG, VIII (1875), p. 32; Adats for Mahal Karakaitag and for Upper Kaitag: SSKG, VIII (1875), pp. 41, 46.

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husband gives his future spouse an engagement gift as a pledge that he will marry her. Seidlitz,[57] Eristov,[58] (writing of the Khevsurs and Pshavs respectively), and King Vakhtang's Code seem to imply that the fiancée alone is bound by the promise to enter upon marriage. In any case, there is no doubt that her obligation is, by far, more binding than that of her lover. In Pshavia the engaged girl whose lover dies before marriage is obliged to move into her deceased fiancé's house and live there for a year before she may marry another man.[59]

With the OSSETES, on the contrary, the suitor does not enjoy more right to dissolve the betrothal promises than the girl. He may refuse to marry only if he discovers an essential defect, such as sickness and loss of virginity,[60] which she failed to manifest before the betrothal.

Among the TURCO-TARTARS of the Caucasus, the Nogai and Kumyks, the obligation of marrying is bilateral. If the male partner refuses to marry, the girl and her family may retain the bride wealth received from him so far. Moreover, he is obliged to make restitution for all the *damna emergentia*. If the female partner refuses to marry, everything received from her lover must be restored to him. If she has been deflowered by him, he must marry her. Of course, if he so wish, he may divorce her immediately after the marriage and bear the usual expenses connected with a divorce (*kebin*).[61]

TABLE 14

Obligations Arising from Engagements

People	Mutual Avoidance	Fidelity		Marriage	
		Suitor	Fiancée	Suitor	Fiancée
Abkhaz	+		+	−	+
Cherkess	+		+	−	+
Chechens	+		+	−	+
Lesghians	+ −		+	+ −	+ −
Georgians	+		+	−	+
Ossetes	+ −		+	+	+
Nogai			+	+	+
Kumyks	+		+	+	+
Karachai	+		+		

[57] "Gemeinde- und Familienleben der Chewsuren," *Das Ausland*, XVI (1891), p. 319.
[58] *op. cit.*, p. 111.
[59] Makalatija, "Iz starogo narodnago byta Pšavov," SE, 1938, No. 1, p. 110.
[60] Kovalevskij, Coutume contemp., pp. 193 f.
[61] "Adaty žitelej kumyskoj ploskosti," SSKG, VI (1872), p. 16. Cf. Dubrovin, *op. cit.*, I, i, p. 638.

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584 It is worthy of note that most North Caucasian *adats* permit the suitor to dissolve the engagement, whereas the neighbouring Turkish peoples and the Ossetes do not. It would seem that those who permit the *male* partner to withdraw his promise at will stress the unilateral aspect of a betrothal; that is, the only one that incurs expenses is the suitor (or to be more exact, his family). If, then, the expenses are one-sided, the privileges and the obligations ought to be one-sided. Those who do not permit either partner to break the engagement seem to stress the bilateral aspect of a betrothal, namely, as soon as a girl is engaged she gives up all possibilities of marrying another man, perhaps even a better choice than the person to whom she is actually engaged. Moreover, this *mutual* obligation expresses the eagerness of the girl's family to secure a marriage for her before she becomes too old, when she would either have to remain a spinster or be sold at a lower price.

That the suitor actually acquires rights in the strictest sense of the word through betrothal is made very clear in the numerous *adats* which distinguish between an abduction of an engaged and a non-engaged girl, the former being considered a qualified crime. He enjoys the right of vengeance just as much as does the abducted girl's family.[62]

[585] Finally, the fact that the Pshav girl must live with her would-be father-in-law after the death of her suitor confirms our repeated assertion that marriage is a *family* affair: the wife is acquired primarily for the good of the family.

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[62] See the various *adat* collections in the section on bride-stealing. Dubrovin, *Istorija*, I, p. 129.

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he would be sentenced to death by drowning. In the nineteenth century a heavy fine of 200 oxen and immediate separation were insisted upon instead.[9]

The penalty for raping a boy before puberty is death. Of course, such cases of perversion are very rare.[10] Likewise extremely rare are cases of homosexuality and bestiality,[11] except among certain Cherkess horse-breeders among whom bestiality is more common and the penalty trivial or none at all.[12]

The *adats* have evidently gone through a distinct evolution, from unusual severity imposed exclusively on the adulteress to a more moderate form of punishment affecting both partners. Dubois de Montpéreux observed how a husband, who would clip his wife's hair for adultery, then cut off her ear, arm, or nose and finally kill her, fully in accord with ancient *adats*,[13] would thereby become a blood-enemy of his wife's relatives. He therefore usually preferred to divorce her instead[14] and have the *kalym* refunded.[15] Vasil'kov reported in the beginning of this century that among the Temirgoi illicit intercourse was extremely rare and that *both* partners would be punished very severely. If caught in the act, they would be buried up to their necks and then stoned to death.[16]

The NORTHEASTERN CAUCASIANS. The Chechen customary law likewise imposes very severe penalties for adultery, as the following table clearly shows (Table No. 19).

The most serious sex offenses are those of rape and incest. If an Ingush woman (married or single) is raped, the attacker may be killed on the spot. If he manages to escape, a bitter blood-feud breaks out between the sibs of the offended and offender. In *adat* courts confession of the culprit or the accusation of the victim are considered undeniable evidence. The accused can prove himself not guilty by taking an oath, which must then be confirmed by the statements of five conjurors,[17] two of whom must be relatives. If the defendant hesitates to take the oath or fails to find sufficient conjurors who are convinced of his innocence (and hence who are not afraid of the supernatural sanction attached to such an oath), he must pay a fine of 24 cows if the victim happened to be a married woman,[18] and a horse worth 30 silver rubles, a ram and four kettles of *arrack* if she happened to be unmarried.[19] The ravisher, as usual, must marry the girl he attacked.[20] If the girl has already been engaged to someone,

[9] McLennan, *Studies in Ancient History*, p. 76.
[10] At least in Kabardia, according to Grabovskij, *op. cit.*, p. 43.
[11] *ibid.*
[12] Grabovskij, *op. cit.*, p. 44.
[13] Amputation of the adulteress' ears and nose is a punishment found throughout the Caucasus; today, of course, it is rare. It is indeed interesting to note that a Hittite code (about 1350 B. C.) engraved on a stele has been dug up, which legalized such mutilation in case of adultery (cf. H. C. E. Zacharias, *Protohistory*, p. 258).
[14] Dubois de Montpéreux, *Voyage autour du Caucase*, I, p. 132.
[15] Dubrovin, *l. c.*
[16] "Očerk byta Termirgoevcev," SMOMPK, XXIX (1901), No. 1, p. 102.
[17] For the institution of *conjury* see above, pp. 155 f.
[18] Leontovič, II, p. 172, §§ 140, 142.
[19] Leontovič, II, p. 172, § 144.
[20] Leontovič, II, p. 120, § 24. Other adat collections claim the very opposite, cf. Leontovič, II, p. 172, § 147.

[834] [504] the *adats* give the engaged partner the right to dissolve the betrothal promises and to reclaim the *kalym* and engagement gifts.[21]

Seduction and attempted seduction are crimes almost as serious as rape and are punished accordingly.[22]

[835] The Chechens harbour an unusual abhorrence of incest. If an illegitimate child is born of an incestuous union, a heap of dirt is brought to the yard of the persons concerned, or sometimes to a public place, as a special protest of the community.[23] Generally speaking, penalties for sex offenses are inflicted on the culprit by the family, but, in the case of incest, the whole *community* protests. It is a crime that goes beyond the interests of the individual and joint-family.

A closer study of Table 19 will bring out three important facts regarding Chechen penalties for sexual offenses: (1) *both* the adulteress and adulterer are punished,[24] (2) they are killed on the spot, but the avenger thereby becomes a blood-enemy of the family of the person he kills, and (3) pardon and reconciliation are more or less the rule today, but not without heavy reparation and divorce.

TABLE 19
Penalty for Adultery according to Chechen Adats

Tribe Chechen	Penalty		Sources
	Adulteress	Adulterer	
Dzherakh and Nazranians	Recently: adulteress is divorced, must refund *kalym*, plus 48 cows to husband.	Husband may kill him in the act.	Leontovič, II, pp. 116 f, § 6; II, p. 118, § 14. Graboyskij, "Inguši," SSKG, IX (1876), pp. 53 f.
	Formerly: husband cut adulteress' nose off, divorced her, received 23 head of cattle from her family.	Might be killed in act; if escaped, had to pay 23 head of cattle to offended husband.	
Terek Chechens	Husband may not kill adulteress; may bite nose off, divorce her.	Husband may kill adulterer in act; if pardons him, husband has right to 70 head of cattle.	Leontovič, II, p. 122, § 2. Dirr, AGKB, p. 77. Leontovič, II, p. 113, § 9.
Kists	May not kill adulterous wife; may cut her nose off and divorce her; he receives 24 cows from her family.	Husband may kill adulterer in act, but obliged to pay bloodwite of 12 cows; if adulterer's sib takes vengeance on husband, must pay bloodwite of 24 cows. If adulterer escapes, he must pay husband 24 cows.	Leontovič, II, p. 120, § 23. Dirr, AGKB, p. 77. Leontovič, II, p. 113, § 9.
Salati Aukh Ichkerians	Husband may cut her nose off and divorce her. He may not kill her.		Leontovič, II, p. 139, § 63; II, p. 113, § 9. Dirr, *l. c.*

[21] Leontovič, II, p. 172, § 145.

[22] Leontovič, II, p. 173, § 149.

[23] Berže, Čečnja i Čečency, pp. 86 f.

[24] This seems to be a further evolution of the *adat* permitting the offended husband to punish his wife *with impunity*. The right to kill the adulterers most likely was not limited to the

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IV. CONCLUSION

Chapter XIV

Conclusion

§ 1. MARRIAGE AND THE FAMILY OF THE CAUCASIANS IN THE LIGHT OF HISTORY

1. Russian (Soviet and Pre-Soviet) Influence

That the Russian military, political, and cultural influence has greatly affected, changed and unified, the marriage and family customs of the various peoples of the Caucasus cannot be denied. We need but recall some of the many facts we have pointed out in our comparative study.

(1) The Russians, we have seen, severely prosecute *polygyny* (*supra*, p. 39) and not without success. The relative scarcity of polygamous unions throughout North Caucasus and the neighbourhood, regardless of how ethnically different the tribes may be, must be attributed, at least in part, to Russian legislation.

(2) In recent times both mates have begun to enjoy greater *freedom of choice*, (*supra*, p. 76), thanks to the Russian insistance on freedom in mating as a *conditio sine qua non* for a legally valid marriage.

(3) We have also observed how rapidly *bride purchase* was disappearing or assuming an entirely different significance throughout the Caucasus, again, at least in part, owing to Russian legislation, industrialization, and education (*supra*, pp. 83, 87, 90).

(4) *Bride price*, *bloodwite*, etc. were formerly measured in cows, horses, sheep, and oxen, but now they are measured in money : not in live stock but in Russian rubles ! (*Supra*, pp. 82—89, 95, 168—179).

(5) The Russian opposition to *bride capture* has helped to make the practice become rare (*supra*, pp. 97 f). It was Russian positive law gaining ascendency over the *patria potestas* and its insistance on freedom of choice that encouraged and even defended elopement (*supra*, p. 98).

(6) The general disappearance of slavery and the associated sociological consequences, e. g., *the marriage impediments*,

(7) the *less severe penalties for sex crimes* which are gradually being adopted by all tribes of Caucasia (*supra*, pp. 175, 180).

(8) and the improvement in the *status of the female sex*, all must be reckoned among the effects of Russian and Soviet influence.